

1 APPEARANCES:

2 MR. MACK H. SHUMATE, JR.
Alton & Southern Railway Company
3 101 North Wacker Drive, Suite 1920
Chicago, Illinois 60606
4

(Appearing on behalf of
5 Petitioner)

6 MR. ERIC ROBERTSON
LUEDERS, ROBERTSON, KONZEN
7 1939 Delmar Avenue
P.O. Box 735
8 Granite City, Illinois 62040

(Appearing on behalf of
9 Respondent Granite City)

10
MR. JAMES S. SINCLAIR
11 STOBBS, SINCLAIR & CARRUTHERS, LTD.
PO Box 336
12 500 Bond Street
Alton, Illinois 62002-0336
13

(Appearing on behalf of
14 Intervenor Mitchell Fire
Protection District)

15
MR. ERIC W. EVANS
16 EVANS/BLASI
1512 Johnson Road
17 Granite City, Illinois 62040

(Appearing on behalf of
18 Intervenor Long Lake Fire
19 Protection District)
20
21
22

1 APPEARANCES: (Continued)

2 MR. JOHN R. SALADINO
Rail Safety Specialist
3 Railroad Section
Illinois Commerce Commission
4 527 East Capitol Avenue
Springfield, Illinois 62701

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(Appearing on behalf of Staff of
6 the Illinois Commerce
Commission)

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21 L.A. COURT REPORTERS

By: Carla J. Boehl, Reporter

22 CSR #084-002710

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I N D E X

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EXHIBITS

	MARKED	ADMITTED
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A&S Group A	12	
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PROCEEDINGS

JUDGE DUGGAN: Pursuant to the authority vested in me by the State of Illinois and the Illinois Commerce Commission, I now call Docket T12-0111 for hearing.

May we have appearances for the record starting with the attorney for the Petitioner Alton and Southern Railway Company?

MR. SHUMATE: Thank you, Your Honor. My name is Mack H. Shumate, Jr., S-H-U-M-A-T-E. I am an attorney for the Union Pacific Railroad Company. Union Pacific Railroad Company is the sole shareholder of the Alton Southern Railroad, and I represent the Alton Southern Railway, excuse me, Company in this matter. My address is 101 North Wacker Drive, Chicago, Illinois 60606, Room 1920. My telephone number is area code (312) 777-2055.

JUDGE DUGGAN: Thank you. Mr. Robertson?

MR. ROBERTSON: Yes. Eric Robertson, the law firm of Lueders, Robertson and Konzen, P.O. Box 735, 1939 Delmar, Granite City, Illinois 62040, on behalf of the City of Granite City. My phone number is area

1 code (618) 876-8500.

2 JUDGE DUGGAN: Very good. And on Mitchell Fire
3 Protection District I already issued an Order because
4 -- I will probably give people 14 days to respond. I
5 issued an Order allowing the Mitchell Fire Protection
6 District to participate pending a ruling on that
7 Order.

8 Let me go ahead and ask right now,
9 does petitioner have any objection to the Petition
10 for Leave to Intervene of Mitchell Fire Protection
11 District?

12 MR. SHUMATE: No, we do not.

13 JUDGE DUGGAN: Does the City have any objection
14 to that petition?

15 MR. ROBERTSON: No, Your Honor.

16 JUDGE DUGGAN: Then that Petition for Leave to
17 Intervene is granted. Do you want to enter your
18 appearance for the record?

19 MR. SINCLAIR: Yes, thank you, Your Honor.
20 James Sinclair, Stobbs, Carruthers -- Sinclair and
21 Carruthers, Alton, Illinois, 500 Bond Street, here
22 for the Mitchell Fire Protection District. Phone

1 number is (618) 465-6978.

2 JUDGE DUGGAN: Thank you. And Long Lake Fire
3 Protection District has filed a Petition to
4 Intervene. Does petitioner have any objection to
5 that Petition to Intervene?

6 MR. SHUMATE: No, we do not, Your Honor.

7 JUDGE DUGGAN: The City, Mr. Robertson?

8 MR. ROBERTSON: No, Your Honor.

9 JUDGE DUGGAN: And, Jim Sinclair, do you have
10 any objection to the Petition to Intervene of Long
11 Lake Fire Protection District?

12 MR. SINCLAIR: No.

13 JUDGE DUGGAN: Then that petition is also
14 granted. Would you like to enter your appearance,
15 please?

16 MR. EVANS: My name is Eric Evans. I'm with
17 the firm of Evans and Blasi. Our address is 1512
18 Johnson Road, Granite City, Illinois 62040. Our
19 telephone number is (618) 225-6000. As the Judge
20 just mentioned, I am here behalf of the Long Lake
21 Fire Protection District.

22 JUDGE DUGGAN: Okay. Mr. Saladino?

1 MR. SALADINO: Thank you, Your Honor.
2 Representing the Transportation Bureau of the
3 Illinois Commerce Commission, John Saladino,
4 S-A-L-A-D-I-N-O, 527 East Capitol Avenue,
5 Springfield, Illinois 62701, and the phone number is
6 area code (217) 785-8423.

7 JUDGE DUGGAN: Okay, thank you. And will the
8 four persons named as those going to testify plus
9 Mr. McKernan please raise your right hand?

10 (Whereupon the witnesses were
11 duly sworn by Judge Duggan.)

12 JUDGE DUGGAN: Let the record show they all
13 said yes.

14 Now, the petition was filed -- a
15 response petition was filed along with a Motion for
16 Leave to File Instanter the response petition. I am
17 not sure such a motion was necessary, but that motion
18 is granted, and the response petition is duly
19 acknowledged filed on the date that it was filed with
20 the e-Docket.

21 Let the record show that we had a
22 phone conference yesterday with Mr. Shumate and

1 Mr. Robertson that was addressing a scheduling
2 matter, that in fact there was a Motion to Continue
3 filed by the City to continue the hearing on this
4 date which I did respond to by issuing a Notice of
5 Continuance which I am not sure if it went out or
6 not, but it probably did, followed up by contact from
7 Mr. Shumate regarding the scheduling and asking for
8 the conference with Mr. Robertson which we did,
9 again, purely limited to a scheduling matter at which
10 point they both stated their agreement.

11 Of course, they also filed a written
12 statement to the fact that they both agreed that this
13 hearing should go ahead today for the sole purpose of
14 having the railroad put on their case in chief, that
15 this would proceed without any obligation on the part
16 of any other party to begin or finish any part of
17 their cross examination, and with the obligation of
18 the railroad to make its witnesses available at
19 another hearing date for purposes of cross
20 examination.

21 And so as I say, there will be no
22 prejudicial limitation on anybody on another date,

1 but only -- if you want to ask cross examination
2 questions, that's perfectly fine. You are not going
3 to be foreclosed from reopening it, starting anew at
4 the new hearing date, but I think, you know, we will
5 try to be as productive as we can today. If you have
6 got something that needs to be asked, ask it, okay.

7 So let me ask you, Mr. Shumate, does
8 that correctly reflect your understanding?

9 MR. SHUMATE: Yes, sir.

10 JUDGE DUGGAN: Mr. Robertson, does that
11 correctly reflect your understanding?

12 MR. ROBERTSON: Yes, Your Honor.

13 JUDGE DUGGAN: Then in that case you may call
14 your first witness.

15 MR. SHUMATE: Thank you, Your Honor. I would
16 like to call Mr. Michael McCarthy.

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MICHAEL McCARTHY

called as a witness on behalf of the Petitioner,
having been first duly sworn, was examined and
testified as follows:

DIRECT EXAMINATION

BY MR. SHUMATE:

Q. Would you state your name for the record,
please?

A. Michael McCarthy.

Q. Would you spell that?

A. M-C-C-A-R-T-H-Y.

Q. Mr. McCarthy, by whom are you currently
employed?

A. I am employed by Union Pacific Railroad. I
am an officer on loan to the Alton and Southern
Railway.

Q. How long have you had your current
position?

A. Nine years.

Q. And prior to your current position did you
work for any of the affiliates of the Union Pacific
or the Union Pacific itself?

1 A. Yes, I did. I have.

2 Q. And how long?

3 A. For 33 years.

4 Q. What are your current responsibilities with
5 the Alton and Southern Railway Company?

6 A. My responsibilities is all aspects of
7 running the company on a day-to-day basis. I have
8 authority for Alton Southern.

9 Q. Are you familiar with the petition that has
10 been filed today; it is T12-0111 concerning Morrison
11 Road, Granite City, Illinois?

12 A. I am.

13 Q. Have you had an opportunity to visit the
14 crossing cite at Morrison Road which is the subject
15 of today's hearing?

16 A. Yes, I have.

17 Q. And when was the last time you were there?

18 A. I was there last week.

19 (Whereupon A&S Group Exhibit A
20 was presented for purposes of
21 identification as of this date.)

22 Q. I want to run through some slides here

1 which these slides have been marked as A&S Group
2 Exhibit A and it consists of approximately 61 slides.
3 Have you had an opportunity to review these slides?

4 A. Yes.

5 JUDGE DUGGAN: Mr. Shumate, I apologize for
6 sticking my nose in your case presentation, but it
7 works better for me, sometimes for the record, can we
8 just go ahead and establish the basic foundation,
9 like what's in your petition, that the road runs
10 east-west, the tracks run north-south, you have got
11 two tracks going through there, and the interchange
12 yard up front. Can you tell me what an interchange
13 yard is, things of that nature. Can you do that for
14 me?

15 BY MR. SHUMATE: Sure.

16 Q. Mr. McCarthy, I would like to direct your
17 attention to the Slide Number 10 and could you
18 describe that for us, please?

19 A. That is an aerial view of the Alton and
20 Southern's trackage at the area. It includes
21 Morrison Road.

22 Q. So that's an overview picture?

1 A. That's an aerial view of our main track.

2 Q. Okay. I am going to show you Slide 11.

3 JUDGE DUGGAN: These are Group Exhibit A,
4 correct?

5 MR. SHUMATE: Yes, all of Group Exhibit A.

6 Q. What is that?

7 A. That is a more detailed view of Morrison
8 Road with showing our two tracks with the mainline
9 being to the left of the photo, and Number 6,
10 Mitchell being on the right.

11 Q. And there is a road on that slide. Is that
12 Morrison Road?

13 A. The road is Morrison Road.

14 Q. Now, this is another Google slide. Is this
15 a representation of the crossing as it is,
16 approximately as it is, today?

17 A. Yes, it is.

18 Q. And this is -- for purposes of the record
19 this is Slide Number 12 of A&S Group Exhibit A.

20 JUDGE DUGGAN: Excuse me. Bear in mind
21 something, too, that the pictures we can see but --
22 and there are exhibits, but still the transcript may

1 not reflect certain things. In other words, we saw
2 the directional north sign on that slide and so,
3 therefore, we could tell from the picture that the
4 runs tracks run north and south. But he didn't say
5 that. We don't have a verbal representation of these
6 things.

7 Q. Going back to what's been marked as Slide
8 Number 12 in the A&S Group Exhibit A, could you
9 configure that crossing for us from a directional
10 standpoint?

11 A. Yes. This depicts, looking southbound, our
12 mainline being to the right, Mitchell 6 being to the
13 left of the photo. Our mainline runs in generally a
14 north and south direction. It is a two-track
15 configuration. It is at a 90-degree to the road,
16 Morrison Road.

17 Q. I am going to go back to Slide Number 10
18 and A&S Group Exhibit A. At the top of that slide,
19 the northern portion of it, could you indicate to
20 everyone here where Mitchell yard ends right now, the
21 interchange yard? Feel free to get up there and
22 point at it if you want.

1 A. We don't go far enough north to show all
2 the way up to the north end of our interchange tracks
3 there. It would include -- we end our yard just on
4 the south side of Chain of Rocks Road.

5 Q. Okay. Now, but there is some wider
6 trackage there. Is that part of the Mitchell
7 interchange facility as it exists?

8 A. Yes, yes.

9 Q. And how many tracks are in that location?

10 A. There is a total of four tracks.

11 JUDGE DUGGAN: I have got to tell you I am lost
12 already. I am only guessing at what we have got here
13 and I don't see -- I think there is four tracks
14 there; I can't see them. I am guessing that the road
15 near the bottom is Morrison Road and that there is --
16 those are tracks.

17 MR. SHUMATE: That's what it says. It says on
18 the slide that it is Morrison Road. We represented
19 earlier that it was Morrison Road. Perhaps I can get
20 another slide that would be more helpful. If I can
21 go in order --

22 JUDGE DUGGAN: Can you zero in by chance?

1 Yeah, what I was saying is I just wanted a general
2 overview, the road is east-west, the track is
3 north-south, there is presently two at the road but
4 there is two tracks there, there is four north of the
5 interchange yard. Tell me what the interchange yard
6 is and then go into your case.

7 BY MR. SHUMATE:

8 Q. I am showing you now what's been marked as
9 Slide Number 11 in Alton Southern's Group Exhibit A.
10 Does that depict Morrison Road on it?

11 A. Yes, it does.

12 Q. And what direction does it go?

13 A. Morrison Road is an east-west roadway.

14 Q. And the slide has a yellow arrow on it that
15 is showing the northerly direction?

16 A. That is correct.

17 Q. Okay. And the tracks that are shown on
18 this slide, what are those?

19 A. Those are A&S mainline and Mitchell 6.

20 Q. All right. So that's two tracks that
21 currently form the existing crossing?

22 A. That is correct.

1 Q. And what direction do those two tracks go?

2 A. They are a north-south running railroad.

3 Q. And those two tracks, they do connect to

4 Mitchell Yard, is that correct?

5 A. Yes.

6 Q. And Mitchell Yard is to the north of this

7 location, is that correct?

8 A. That is correct.

9 JUDGE DUGGAN: What is Mitchell Yard?

10 Q. What is Mitchell Yard or Mitchell

11 Interchange Yard?

12 A. Mitchell Interchange Yard is a four-track

13 yard. It is made up of a mainline and three other

14 tracks. Starting from the west side, it is -- you

15 have what we designate as Mitchell 1. Then you have

16 the mainline, Mitchell 5 and Mitchell 6.

17 JUDGE DUGGAN: What happens at an interchange

18 yard?

19 THE WITNESS: At an interchange yard it is the

20 physical point at which rail cars and locomotives

21 are -- change ownership or hands from one rail

22 carrier to another.

1 JUDGE DUGGAN: And they change for purpose of
2 changing ends?

3 THE WITNESS: Physically interchanging the cars
4 to get it from origin to destination and also an
5 electronic interchange happens.

6 JUDGE DUGGAN: So one rail carrier may have
7 been carrying the car; now another rail carrier will
8 be carrying the car?

9 THE WITNESS: The original rail carrier
10 physically hands off those cars and locomotives to
11 another carrier. That is an interchange.

12 JUDGE DUGGAN: Very good. Thank you.

13 BY MR. SHUMATE:

14 Q. And, Mr. McCarthy, what railroads have
15 interchange at the Mitchell Yard with the A&S?

16 A. We interchange with Burlington Northern,
17 Norfolk and Southern, and also the Union Pacific.

18 Q. Now, I have up here right now what's been
19 marked as Slide Number 6 of Alton and Southern's
20 Group Exhibit A. Can you describe what that depicts?

21 A. This is showing the Alton and Southern's
22 proposed expansion of the Mitchell Interchange Yard.

1 In the black it shows the existing track
2 infrastructure. The green indicates the additional
3 track that will be built and put into place.

4 Q. Let me interrupt you for a second. You
5 said that the black track is what exists today,
6 correct?

7 A. Correct.

8 Q. And that's the Mitchell Interchange Yard?

9 A. Yes.

10 Q. Okay. Could you tell us where north is on
11 that particular picture?

12 A. North is to the right of the diagram, the
13 track diagram.

14 Q. Okay. And what road is located at the
15 pinch point where the tracks come together?

16 A. That is Chain of Rocks Road.

17 Q. Is that on the north end of the yard?

18 A. That is at the north end of Mitchell Yard.

19 Q. Okay. And then as you proceed south,
20 eventually you will come to Morrison Road, is that
21 correct?

22 A. That is correct. You have -- when you

1 start south, you have the four tracks, the mainline,
2 Mitchell 1, 5 and 6. Mitchell 5 and 6 end prior to
3 Morrison Road, and the mainline and Mitchell 6
4 continue through Morrison Road.

5 Q. And they continue in a southerly direction.
6 Do they reach Pontoon Road?

7 A. No. Mitchell 6 terminates prior to
8 Pontoon.

9 Q. Okay. So only one track goes through
10 Pontoon Road?

11 A. Our mainline goes through Pontoon Road.

12 Q. And Pontoon Road is located on this south
13 portion of this particular diagram?

14 A. That is correct.

15 Q. And you have referenced the green lines
16 that are next to the black lines. What are the green
17 lines?

18 A. The green indicates the proposed new
19 construction of the additional rail lines.

20 JUDGE DUGGAN: Again let me inject here, are
21 you suggesting that you are building additional
22 tracks in the interchange yard?

1 MR. SHUMATE: No, Your Honor.

2 JUDGE DUGGAN: Okay. I thought there was a
3 reference to expanding the interchange yard?

4 THE WITNESS: It is. We consider the
5 interchange yard that is from Mitchell or right there
6 at Chain of Rocks Road to the end of Mitchell 6.
7 That is the interchange. Any one of those four
8 tracks can be used for interchange purposes.

9 JUDGE DUGGAN: So since Mitchell 6 presently
10 goes -- excuse me, Mitchell 6 presently goes through
11 the Morrison Road intersection, correct?

12 THE WITNESS: That is correct.

13 JUDGE DUGGAN: Okay. So since Mitchell 6 goes
14 through there and you consider that as part of the
15 interchange yard, you consider the intersection of
16 Morrison and the tracks as part of the interchange
17 yard?

18 THE WITNESS: Yes.

19 JUDGE DUGGAN: So your reference to the
20 expansion is in fact the proposed two additional
21 tracks?

22 THE WITNESS: Yes, sir.

1 JUDGE DUGGAN: Okay. And let me ask you this.

2 I don't see references on this 6 to them being called
3 1, mainline, 5 and 6. So for what it is worth, at
4 some time you may want to show us which ones are
5 which.

6 MR. SHUMATE: We will have an exhibit that will
7 show that.

8 JUDGE DUGGAN: Okay.

9 MR. SHUMATE: And for foundation purposes, can
10 I give you what you need now and then go back to the
11 presentation?

12 JUDGE DUGGAN: If he is going to make more
13 references to numbers of these railroads or tracks,
14 why don't we let him tell us which ones they are
15 first.

16 BY MR. SHUMATE:

17 Q. I am going to go to Slide Number 30 of A&S
18 Group Exhibit A. Mr. McCarthy, are you familiar with
19 this document?

20 A. Yes, I am.

21 Q. What portion of this particular diagram is
22 the north?

1 A. It is at the top of the page where it -- at
2 the top where it shows Interchange Design Plan. The
3 track diagram starts there.

4 Q. Okay. Now, on the left-hand side these
5 things are called MPs. What does that mean?

6 A. Those are mileposts.

7 Q. And what's a milepost?

8 A. It is what the railroad uses to designate
9 points on the railroad.

10 Q. Okay. This Interchange Design Plan for
11 Mitchell Yard, it says here East Chain of Rocks Road
12 Milepost 20.73, is that correct?

13 A. That is correct.

14 Q. Okay. And then Morrison Road is at what
15 milepost?

16 A. Morrison Road is at 19.71.

17 Q. Okay. And then Pontoon Road is at what
18 milepost?

19 A. Milepost 18.66.

20 Q. And so the distance that we are talking
21 about from East Chain of Rocks Road to Pontoon Road
22 is approximately how far? You can take time to

1 calculate it if you want.

2 JUDGE DUGGAN: 2.07?

3 A. 2.07, we'll go with that.

4 Q. That's 2.07 what?

5 A. Miles.

6 Q. Okay. Now, there are light lines and dark
7 lines on this print, correct?

8 A. That is correct.

9 Q. Okay. Now, in boxes I see that it is
10 referenced Mitchell 1 Track Extension, Mitchell 6
11 Track Extension, Mitchell 5 Track Extension. Would
12 you walk us through that so that we can understand
13 what we are dealing with here?

14 A. Yes. On the track diagrams starting on the
15 left-hand side of the page --

16 Q. Now, the left-hand side, that would be the
17 west, is that correct?

18 A. That's correct.

19 Q. Okay. Go ahead.

20 A. You see that begins Mitchell 1 and that
21 track will be extended running parallel to the
22 mainline and it will run through Morrison Road and

1 tie in north of Pontoon at the bottom of the page.

2 The next track over is the mainline. There won't be
3 any changes to the main. Mitchell 5 will be
4 extended, and Mitchell 6 will also be extended
5 through Morrison Road.

6 Q. Okay. And all of those are identified on
7 the print as Mitchell 1, Mitchell 6, Mitchell 5, and
8 the mainline?

9 A. That is correct.

10 JUDGE DUGGAN: This is the proposed
11 configuration, correct?

12 THE WITNESS: That's correct.

13 JUDGE DUGGAN: But in fact Mitchell 6 is not
14 presently as indicated on this diagram, correct?

15 MR. SHUMATE: What did you say, Your Honor?
16 Would you repeat that?

17 JUDGE DUGGAN: That Mitchell 6 is not
18 presently -- trying to get to the point that Mitchell
19 6 is being changed because Mitchell 6 right now ties
20 in with the line where 5 is, right?

21 THE WITNESS: Currently, due to the track
22 configurations, Mitchell 6 extends through Morrison

1 Road.

2 JUDGE DUGGAN: Did you draft that diagram?

3 THE WITNESS: I did.

4 JUDGE DUGGAN: Can you go ahead and have
5 that -- you don't mind, Mr. Shumate?

6 MR. SHUMATE: Not at all.

7 JUDGE DUGGAN: If it helps me to understand.
8 We can mark that as your Alton and Southern Exhibit
9 D. And then from that -- the existing configuration
10 is such that the 6 which is presently still the
11 eastern most -- is 6 still the present most eastern
12 most track?

13 THE WITNESS: Yes, it is.

14 JUDGE DUGGAN: This is -- in the current
15 configuration it jogs over to the west so that it is
16 in line with 5, right?

17 THE WITNESS: That is correct.

18 JUDGE DUGGAN: Okay. But south of where 5
19 connects, right?

20 THE WITNESS: Yes.

21 JUDGE DUGGAN: Okay. And when I say connects,
22 that's south of where 5 connects with the mainline,

1 correct?

2 THE WITNESS: That is correct.

3 JUDGE DUGGAN: And then 6 comes down on the
4 east of 5 and then below, after 5 jogs over to
5 connect, and 6 jogs over and is in the same alignment
6 with 5, correct?

7 THE WITNESS: That is correct.

8 JUDGE DUGGAN: And because 6 is presently in
9 line with 5, when you extend that over to the -- over
10 Morrison Road --

11 THE WITNESS: We will tie --

12 JUDGE DUGGAN: Excuse me. Six presently does
13 extend over Morrison Road, correct?

14 THE WITNESS: Correct.

15 JUDGE DUGGAN: Okay. So just go ahead and tell
16 me what you know I am trying to get at here.

17 THE WITNESS: The south end of the current
18 Mitchell 6 will be tied together with Mitchell 5 so
19 that it become Mitchell 5.

20 JUDGE DUGGAN: Now, will Mitchell still connect
21 where it presently does with the mainline?

22 THE WITNESS: No, that's supposed to be an X.

1 JUDGE DUGGAN: Okay. So, yes, you have got Xs
2 on your Exhibit D.

3 THE WITNESS: This is the construction plan or
4 the proposed plan.

5 JUDGE DUGGAN: Right. On this exhibit on the
6 left side you have got the current configuration.
7 Then you have the proposed configuration showing the
8 Xs that show changes, and you have dashes showing the
9 changes, and then over to the right is the final
10 configuration without the designated changes.

11 THE WITNESS: That is correct.

12 JUDGE DUGGAN: So the Xs show that the existing
13 connections of 1 and 5 will be moved.

14 THE WITNESS: Correct.

15 JUDGE DUGGAN: And then 1 will connect south of
16 Morrison. That will extend and be connected south of
17 Morrison. Okay. Go ahead.

18 THE WITNESS: And the new 6 will also.

19 JUDGE DUGGAN: Okay. And the reason you call
20 it the new 6 is because, even though 6 presently goes
21 through Morrison, but because it is going to line up
22 with 5, you are calling -- what exists to be 5, you

1 are going to call that what?

2 THE WITNESS: What will happen is the south end
3 of -- the current south end of Mitchell 6 will become
4 the south end of Mitchell 5 because it lines up with
5 that track. And then 6 will be extended. The new
6 Mitchell 6 will be extended down to parallel Mitchell
7 5.

8 JUDGE DUGGAN: Okay. And that is why in the
9 petition, even though it is alleged that the present
10 tracks that cross Morrison Road are the mainline
11 which is not numbered -- okay, the mainline and
12 Mitchell 6, that it also refers in paragraph 8 to the
13 new interchange track being Mitchell 6 and that is
14 because --

15 THE WITNESS: The current track configuration
16 and how we have to construct it, and for the
17 nomenclature of the tracks, the line up after
18 construction.

19 JUDGE DUGGAN: The old 6 is going to become 5?

20 THE WITNESS: The south end of 5.

21 JUDGE DUGGAN: And there is a new 6 that's
22 going to cross, the extension?

1 THE WITNESS: Right.

2 JUDGE DUGGAN: Okay. Thank you. And, okay, I
3 think that's the background I wanted.

4 BY MR. SHUMATE:

5 Q. Okay. Now, Mr. McCarthy, I would like to
6 turn your attention now to what's been marked as
7 Slide 2. This is the company you work for, Alton
8 Southern, correct?

9 A. That is correct.

10 Q. Would you give us just a real brief
11 background of Alton Southern in the area?

12 A. Alton Southern is a company that operates
13 as an intermediate switch railroad. We connect to
14 all of the Class 1 railroads. And the service that
15 we perform is to bring rail cars in. We switch them
16 to different configurations and interchange them to a
17 connecting road. We operate in East St. Louis.
18 Currently we employ -- at the end of this year we
19 will be employing 386 employees. That's up from
20 2009, 316 employees.

21 Q. Okay. Now I am going to show you what's
22 been marked as Slide 4 in A&S Group Exhibit A. Would

1 you tell us where Mitchell Yard is on this particular
2 map?

3 A. Mitchell Yard is at the very top right-hand
4 corner. It is in purple.

5 Q. In purple. And then there is a purple line
6 that comes down along the slide, is that correct?

7 A. That's correct.

8 Q. And then it ends up in a location that's
9 called Gateway Yard, is that correct?

10 A. It does run -- that mainline empties into
11 Gateway Yard.

12 Q. And what is Gateway Yard?

13 A. Gateway Yard is a major classification
14 yard. We handle 1600 cars in a day, 1600 cars out.
15 We see about up to 48 trains a day, originate or
16 terminate in our yard.

17 Q. Now, where the Mitchell Interchange Yard
18 is, do trains go both north and south?

19 A. Yes, they do.

20 Q. And so trains come out of Gateway Yard and
21 go up to the Mitchell Interchange Yard?

22 A. Yes.

1 Q. And where are those trains then? What
2 happens to them?

3 A. When they get to the Mitchell Yard --

4 Q. This is at the north now?

5 A. At the north. If they are interchanging to
6 the Union Pacific, they pretty well run through.
7 That makes up about half the business that will be
8 going through there. If they are going to the
9 Norfolk and Southern, probably 50 to 75 percent of
10 them will travel through Mitchell Yard on most days
11 and interchange either on our tracks or they will
12 interchange on a Norfolk and Southern track. We also
13 interchange with the Burlington Northern there. All
14 of those interchanges will be done in Mitchell Yard.

15 Q. And then those three railroads, the
16 Burlington Northern, Union Pacific and the NS, they
17 also can deliver trains to the interchange yard and
18 you will bring them down to the Gateway Yard, is that
19 correct?

20 A. That is correct for the Burlington Northern
21 and the Norfolk and Southern. Union Pacific has the
22 ability to traverse our mainline and come into

1 Gateway Yard.

2 Q. How many rail cars run through this Gateway
3 Yard on a daily basis?

4 A. Probably between 1500 on a round guess
5 right now.

6 Q. Okay. Now, I am going to show you what's
7 marked as A&S Slide 5 out of Group Exhibit A. What
8 does this show?

9 A. Due to the growth that we are experiencing
10 very, very recently, in order to handle that growth
11 that's being created by crude oil trains that are
12 traversing our railroad, part of those are being
13 connected onto other carriers. Part of those are
14 going to facilities on the Alton and Southern. We
15 have had growth in a new business in the last couple
16 years of bulk fertilizer. We also have a coal and
17 grain transfer and ethanol trains have all relocated
18 or expanded their businesses on our railroad. Nets
19 seem very good growth for us. Then we have had to --
20 we are in the middle of a capital expansion, and it
21 lists the capital projects that are associated with
22 this growth.

1 Q. Okay. You indicated previously that there
2 were X number of trains that go through Morrison Road
3 on a daily basis. Now, approximately how many is
4 that?

5 A. Currently, we are about on average 17 to 18
6 trains a day.

7 Q. Okay. And is there any future business
8 that's not already there that will increase that?

9 A. Yes. There is probably at least one more
10 set, one empty one load coming on for crude oil
11 trains, and then a new customer of ours that is
12 located in Cahokia on the river front, on the
13 Mississippi River, he will be opening a facility that
14 will take unit trains of coal and probably be start
15 off one every other day and that might grow to one a
16 day.

17 Q. And where does that coal originate?

18 A. That's Illinois coal.

19 Q. Okay. And so when that new business comes
20 on, how many trains do you expect to have on a daily
21 basis through Morrison Road?

22 A. We project it will be 21 to 22 trains a day

1 through the interchange.

2 Q. And let's say we go back one year from now
3 and two years from now, if you can give a figure, how
4 many trains were you having in those time frames?

5 A. We averaged about 11 trains a day.

6 Q. Okay. And how many are you realizing now
7 today?

8 A. Seventeen to 18.

9 Q. And it is going to go up to as you said --

10 A. Twenty-one to 22.

11 JUDGE DUGGAN: I missed the distinction between
12 the 11 and 17 and 18. What is the 11 and what's 17
13 and 18?

14 THE WITNESS: The question was asked how much
15 we had a year ago prior to the growth, and we had
16 about 10 to 11 trains a day on average.

17 JUDGE DUGGAN: Okay. And do the trains that go
18 through there all go across the Morrison Road
19 crossing?

20 THE WITNESS: Yes.

21 JUDGE DUGGAN: Okay. Because the petition says
22 that there is ten freight trains a day across the

1 crossing. So that was correct.

2 THE WITNESS: That was when we were writing the
3 petition.

4 BY MR. SHUMATE:

5 Q. Okay. And so the additional traffic is
6 there today, is that correct?

7 A. The majority of it is there today.

8 Q. And some of it moves north and some of it
9 moves south, is that correct?

10 A. Yes.

11 Q. And what time frame does it move during
12 each 24-hour period?

13 A. It is equal throughout all 24 hours of the
14 day.

15 Q. I am going to show you what's been marked
16 as Slide 7 in A&S Group Exhibit A. What is that?

17 A. That is the front page of the signal design
18 layout for the proposed Morrison Road project.

19 Q. And is this document, will it be included
20 in the signal design plan that will be filed with the
21 Illinois Commerce Commission for the grade crossing
22 protection warning devices at this crossing?

1 A. Yes.

2 Q. And so this depicts how many tracks?

3 A. This depicts four tracks.

4 Q. And what is the width of the right-of-way?

5 A. The width of the right-of-way is 80 feet.

6 Q. That's for the railroad, correct?

7 A. That is for the railroad.

8 Q. And what is the distance between the track

9 centers for each of the tracks?

10 A. Between the existing tracks right now it is

11 15 feet. The two new tracks will be 14 feet.

12 Q. Okay. And on outside of the tracks from

13 the edge of the rail, what will be the distance to

14 the edge of the railroad right-of-way approximately?

15 A. It will approximately be 20 feet, 18-20

16 feet.

17 Q. No, but on each side what will be the

18 distance?

19 A. From the outside rail to the edge of our

20 property?

21 Q. Yes, sir.

22 A. Approximately 20 feet.

1 Q. Okay. Does it say on here 12 feet?

2 A. That's to the front edge of the signal
3 cabin.

4 Q. Okay. All right. Now --

5 JUDGE DUGGAN: So the answer was approximately
6 20 feet?

7 THE WITNESS: Approximately 20 feet.

8 BY MR. SHUMATE:

9 Q. So this total improvement of four tracks
10 plus the side yards, will it be within the 80 feet of
11 the Union Pacific, I assume, the Alton Southern's
12 ownership?

13 A. Yes, it will.

14 Q. Now, Slide 8, what is that?

15 A. That is a depiction of our Gateway Yard.
16 That is our main classification yard for the Alton
17 Southern.

18 Q. So this yard is what is the main yard which
19 is approximately 17 miles south of the Mitchell --

20 A. Interchange, yes.

21 Q. And then this is Slide 9. What is that?

22 A. Slide 9 is an aerial photo of the Alton

1 Southern Gateway Yard looking west.

2 Q. Now, let's turn our attention now more to
3 the crossing itself at Morrison Road? We looked at
4 this slide before, or Slide 10, and we said Morrison
5 Road was east and west, is that correct, and it shows
6 the tracks going north and south?

7 A. That is correct.

8 Q. And then this Slide 11 shows a close-up of
9 that?

10 A. Correct.

11 Q. And the use of the property in the four
12 quadrants around the crossing, what is it generally?

13 A. Agricultural.

14 Q. Okay. Now I am going to show you a Slide
15 13. And for purposes of the record I am just going
16 to refer to these as slides and knowing that it is
17 all part of A&S's Group Exhibit A.

18 Slide 13, what does that depict?

19 A. It depicts our existing two mainlines and
20 it shows there are two red arrows that point to our
21 right-of-way, our property line.

22 Q. You say the distance on that, is it 80

1 feet?

2 A. An 80-foot right-of-way.

3 Q. Okay. And the railroad tracks go north and
4 south, is that correct?

5 A. That is correct.

6 Q. And Morrison Road goes east and west?

7 A. Correct.

8 Q. Thank you. Now I am going to show you what
9 has been marked as Slide 14. What is that document?

10 A. That is the Illinois Commerce Commission
11 Grade Crossing Inventory.

12 Q. Okay. Does this document show the milepost
13 that this particular crossing is at?

14 A. Yes, it shows -- yes.

15 Q. Is it your understanding that this ICC
16 grade crossing inventory document is prepared by the
17 Illinois Commerce Commission?

18 A. That is correct.

19 Q. And does this show the location of the
20 crossing as being in Granite City?

21 A. Yes.

22 Q. And does it show the street name as

1 Morrison Road?

2 A. Yes, it does.

3 Q. And does it show that the crossing surface
4 has been changed by hand; it is concrete?

5 A. Yes, it does.

6 Q. And is it your experience and knowledge
7 that that crossing is in fact currently a concrete
8 crossing?

9 A. It is a concrete crossing.

10 Q. Now, it says the average number of daily
11 trains here is five, and that's incorrect, correct?

12 A. That is correct.

13 Q. Okay. And that this document was produced
14 in 2008, I believe -- well, excuse me, strike that.

15 Currently, the trains are
16 approximately how many?

17 A. Currently, there are 18 trains on average.

18 Q. All right. And the trains' timetable speed
19 on this line is what?

20 A. Twenty miles per hour.

21 Q. And that's FRA controlled?

22 A. Yes.

1 Q. And the train speed minimum that could be
2 used through here, that can be experienced, is what?

3 A. Could you restate that?

4 Q. The minimum train speed that the train
5 might move through this crossing at a minimum,
6 instead of 20 miles per hour what might be a minimum?

7 A. Probably on average ten miles per hour.

8 Q. What type of warning devices are at this
9 crossing now?

10 A. They have a form of motion detectors on
11 this crossing.

12 Q. Okay. And does it have gates, lights and
13 bells?

14 A. It does have flashing lights, gate arms and
15 a bell.

16 Q. And it notes here that it says CWT. What's
17 that stand for?

18 A. Constant Warning Time.

19 Q. Okay. Can you just briefly explain what
20 that means?

21 A. There is a mandatory amount of time that
22 the gates have to be down before the train enters a

1 crossing. Because there is motion detectors, they
2 will calculate when to activate the gates so that you
3 get the proper warning time at the crossing.

4 Q. Now I am going to show you Slide 15. What
5 is the average daily traffic count for vehicles at
6 this crossing?

7 A. Eight hundred.

8 Q. And how many traffic lanes for the road
9 surface?

10 A. There are two.

11 Q. And is this a 90-degree crossing, based on
12 your observation?

13 A. It is a 90-degree crossing.

14 Q. And I want to show you now Slide 17. Is
15 this particular slide, these are all part of this ICC
16 Grade Crossing Inventory, is that correct?

17 A. That is correct.

18 Q. This particular Slide 17, does this depict
19 the DOT number for the crossing?

20 A. It does.

21 Q. And reflect the milepost reference?

22 A. It does.

1 Q. And this information is located where?

2 A. On the side of the signal cabin that's
3 situated along the mainline and alongside Morrison
4 Road. This sign would be pointing towards Morrison
5 Road.

6 Q. So the signal cabinets for controlling the
7 gates, is that correct?

8 A. Yeah, that houses the equipment that the
9 gate activation equipment is in.

10 Q. Okay. Now I am going to show you Slide 18.
11 For the purpose of the record, these slides are a
12 part of the ICC inventory and they appear to have
13 been taken in May 13, 2008.

14 JUDGE DUGGAN: When you say "these slides," do
15 you mean the ones you are about to present, not all
16 of them?

17 BY MR. SHUMATE: The ones that -- the remaining
18 portion of the grade crossing inventory from the
19 Illinois Commerce Commission. It is Slides 18
20 through and including 29.

21 Q. Just to familiarize ourselves, familiarize
22 everybody with the actual crossing, let's just look

1 at these very quickly.

2 Slide 18, what does that depict?

3 A. That depicts the Morrison Road. The camera
4 angle, the camera would have been situated on the
5 west side of the intersection looking east.

6 Q. And it shows that the crossing was in fact
7 protected with gates and lights, is that correct?

8 A. That is correct.

9 Q. Next Slide Number 19?

10 A. This shows looking northbound. It looks
11 like you are just on the south side of Morrison Road.
12 You are looking north. It shows the signal cabin.
13 It shows our two tracks.

14 Q. And then Slide 20?

15 A. Slide 20 is from the -- also it is taken on
16 the west side of the Morrison -- the west side of our
17 tracks on the north side of Morrison Road looking
18 south.

19 Q. On this particular slide there is, it looks
20 like, a muddy area on the right-hand side of the
21 slide. So it would be on the -- I believe it would
22 be the west side of the tracks, on the south side of

1 the crossing, is that correct?

2 A. That is correct.

3 Q. What is that muddy road?

4 A. It is just a farm access road.

5 Q. Does the railroad use that from time to
6 time?

7 A. Not on this end of it, no.

8 JUDGE DUGGAN: I am not sure I see a road.

9 MR. SHUMATE: It is a muddy area. I mentioned
10 it as a muddy path.

11 JUDGE DUGGAN: Okay.

12 BY MR. SHUMATE:

13 Q. I will show you Slide Number 21. What is
14 that?

15 A. That is from the east side. It looks like
16 we are on the north side of Morrison Road or standing
17 on Morrison Road looking south.

18 Q. And the next slide?

19 A. This is --

20 Q. Actually Slide 22, excuse me.

21 A. Slide 22 depicts looking north. The photo
22 was taken from the center or from the south side of

1 Morrison Road on the east side of the railroad tracks
2 looking north.

3 Q. There is a fence depicted on this
4 particular slide. Is that fence on Union Pacific or,
5 excuse me, Alton Southern's right-of-way?

6 A. No, it is not.

7 Q. I show you Slide 23. What is that?

8 A. Slide 23 is looking -- that would be
9 situated on the -- the camera is situated on the east
10 side of the train tracks looking west on Morrison
11 Road.

12 Q. Okay. Now, Slide 24, what is this?

13 A. This shows a picture of the concrete panel
14 crossing that's presently in place at Morrison Road.

15 Q. So do both tracks have concrete panels?

16 A. Yes, they do.

17 Q. Okay. And is it proposed that concrete
18 panels would be used for the two proposed tracks to
19 go through this crossing?

20 A. Yes.

21 Q. All right. Here is Slide 26. I am not
22 sure it is helpful, but is there anything unique in

1 Slide 26?

2 A. No, that's just a view looking at Morrison
3 Road crossing. The camera is on the east looking
4 westward.

5 Q. And then Slide 27?

6 A. That is -- it looks like it is taken from
7 the north side of the Morrison Road crossing looking
8 north up our mainline.

9 Q. There are trees depicted in this particular
10 picture that are on the west side of the railroad
11 tracks. Are those trees on the Alton Southern's
12 right-of-way?

13 A. No, they are not.

14 Q. And Slide 28?

15 A. Slide 28 is taken from the south side of
16 Morrison Road from the west side of the track looking
17 southbound.

18 Q. In order to install the two proposed
19 tracks, will any public services have to be
20 relocated?

21 A. On the west side?

22 Q. On -- in any portion of the crossing.

1 A. Yes. There will have to be have to be
2 Center Point Energy. There is a pipeline that runs
3 along the west side that will have to be moved, and
4 then at the very south end of the project on the east
5 side there may have to be some of the power
6 transmission lines have to be shifted.

7 Q. Of the public utilities have the companies
8 been approached and are they agreeable to these
9 relocations?

10 A. Yes.

11 Q. Slide 29, what does this show?

12 A. Again it shows a look from the -- from the
13 west side of the road crossing looking east on
14 Morrison Road.

15 Q. Now, we have looked at Slide 30 and we have
16 had quite a bit of testimony on it. Is there
17 anything there that we have not talked about that you
18 think would be important for the Hearing Officer to
19 hear?

20 A. No, I think we have covered the design.
21 That just shows the proposed design for the expansion
22 of Mitchell Yard.

1 Q. Okay. Now I am going to show you what's
2 marked as Slide 31. It also says in the upper
3 right-hand Exhibit E. It was originally Exhibit E to
4 the petition. It is marked as Highway-rail Grade
5 Crossing Accident Incident Report, Department of
6 Transportation, Federal Railroad Administration. Are
7 you familiar with this document?

8 A. Yes, I am.

9 Q. Does this show the accident history at the
10 crossing?

11 A. Yes, it does.

12 Q. And what is that history?

13 A. That there has been one crossing accident
14 at this location and it was in December of '84.

15 Q. And what was the nature of the accident, do
16 you know?

17 A. The nature of the accident was that a
18 vehicle impacted the side of a train at Morrison
19 Road.

20 Q. Was there personal injury?

21 A. There was.

22 Q. And was there a death?

1 A. Not to my knowledge.

2 Q. Okay. And does this indicate that the
3 damages -- what the damages were approximately, do
4 you recall?

5 A. It looks like \$6,000 of vehicle property
6 damage.

7 Q. Now --

8 JUDGE DUGGAN: Excuse me, I know the petition
9 allegations only one; there are no others. But I am
10 not sure we made that as clear as we could, that in
11 fact the incident reported here is the only accident
12 incident since 1984.

13 THE WITNESS: That is correct.

14 BY MR. SHUMATE:

15 Q. Are you aware of whether or not there were
16 any Orders from the Illinois Commerce Commission
17 covering this crossing?

18 A. Yes, there are.

19 Q. To your knowledge how many Orders have
20 there been?

21 A. Three.

22 Q. Do you know when they were entered into

1 approximately?

2 A. It was 1923.

3 Q. Okay. Is that -- there is a cover sheet of
4 an Order, Slide 32. Is that one of the Orders?

5 A. Yes.

6 Q. And then Slide 33, is that a different
7 Order?

8 A. That is a different Order and that was in
9 1962.

10 Q. And then Slide 34, was that an Order also?

11 A. That is.

12 JUDGE DUGGAN: Do you have a year on that one?

13 THE WITNESS: 1982 -- 3? 1983.

14 MR. SHUMATE: Well, I think the document says
15 here on May 28, 1982, the Staff of the Commission
16 initiated the Stipulated Agreement. So it is
17 possible in '83 is when the Order actually issued.
18 We will clarify that with another witness, Your
19 Honor.

20 JUDGE DUGGAN: That's okay. I just wanted a
21 ballpark.

22 BY MR. SHUMATE:

1 Q. And do your records indicate that there are
2 deeds that show that the Alton Southern has ownership
3 interests through the crossing and the 80-foot width
4 of right-of-way that it has testified to?

5 A. Yes.

6 JUDGE DUGGAN: What is your statement there,
7 the evidence you are submitting?

8 MR. SHUMATE: I am going to have another
9 witness tell that it is his understanding that the
10 Alton Southern does have the real property interest
11 that it needs to build the two additional tracks.

12 JUDGE DUGGAN: You say someone else is going to
13 testify to what he just said?

14 BY MR. SHUMATE: Yes, sir.

15 Q. Now I would like to refer everybody's
16 attention now to what has been marked as Revised
17 Slide 47. It is Group Supplement A and it was handed
18 out as a separate sheet. What does this document
19 show?

20 A. This shows the -- just lists the fire
21 protection districts that are in the general vicinity
22 of the Morrison Road area or crossing.

1 Q. Okay. And under (A) there is a reference
2 to Mitchell Fire Department, and on the original
3 Slide 47 it just said Mitchell Fire Department. On
4 this Revised Slide 47 would you read that?

5 A. In A?

6 Q. Yes, sir.

7 A. It is Mitchell Fire District Station Number
8 1, 13 East Chain of Roads Road, Mitchell, Illinois
9 62040 (618) 932-0161, and Station Number 2 at
10 Maryville Road and Old Alton Road at Mitchell,
11 Illinois 62040.

12 Q. I think you read the phone number
13 incorrectly. Would you just repeat it one more time?

14 A. It would be area code (618) 931-0161.

15 Q. Okay. And then the other two fire
16 districts in the area, B and C, what are they?

17 A. The Long Lake Fire Department.

18 Q. And the other one?

19 A. And C lists Granite City Fire Department.

20 Q. Okay. Now I am going to show you Revised
21 Slide Number 48, if everybody will look at that,
22 please. And how is that different from the original

1 Slide 48 which was made part of A&S Group Exhibit A?

2 A. Mitchell District -- Mitchell Fire District
3 Firehouse Number 2, I believe, was omitted, and in
4 this document, the Revised 48, that location was
5 added.

6 Q. Okay. Now, based on your review of this
7 particular document, does there appear to be four
8 fire stations referenced on the Revised Slide 48?

9 A. There are four district firehouses shown on
10 that document.

11 Q. Okay. Are there two on the east side of
12 the crossing?

13 A. Yes.

14 Q. All right. There are two on the west side
15 of the crossing?

16 A. That is correct.

17 Q. And is Illinois 270 to the north in the
18 vicinity?

19 A. Yes.

20 Q. Okay. And also Route 111?

21 A. Route 111, yes.

22 Q. And then also Route 203?

1 A. That's correct.

2 Q. Are you generally familiar with the roads
3 in the area?

4 A. Generally familiar, yes.

5 Q. Okay. And there is also to the south Route
6 162?

7 A. That's correct.

8 Q. Are there any bridges or underpasses on any
9 of the roads that I just referenced related to the
10 railroad tracks of the Alton Southern?

11 A. You mentioned 270 that has a -- it is an
12 overpass over the top of the north end of our
13 Mitchell Yard.

14 Q. Are there any other grade separations to
15 your knowledge in the immediate vicinity?

16 A. No.

17 MR. EVANS: Before moving on, Eric Evans with
18 Long Lake. Just as a point of clarity, are those red
19 dots designed to represent where the fire stations
20 are located?

21 THE WITNESS: Generally.

22 MR. EVANS: Generally, okay, because Long Lake

1 is quite a ways different than where it is depicted
2 on Revised Slide 48.

3 MR. SHUMATE: Okay. You are welcome to provide
4 clarification.

5 MR. EVANS: It is on Pontoon Road, obviously,
6 and on this particular slide it is --

7 MR. SHUMATE: Maybe the next slide will help a
8 little bit.

9 MR. EVANS: It is wrong on that one as well.

10 MR. SHUMATE: Okay. So it should be south,
11 farther south?

12 MR. EVANS: It should be further south.

13 BY MR. SHUMATE:

14 Q. So let's bring that up. Now I bring up
15 Slide 49 and if you will take a look at that, what
16 does that show or purport to show?

17 A. On this one it shows the four, a little bit
18 more detailed, the four fire protection districts
19 that surround Morrison Road.

20 Q. And there is a red circle on this. What
21 does the red circle depict?

22 A. The red circle depicts actually -- I

1 believe it depicts just north of Morrison Road.

2 Q. Does it show where the location of the
3 current grade crossing is?

4 A. Well, it is -- Morrison Road is just south.

5 Q. Just south of the area?

6 A. The red circle, just missed it.

7 Q. Take a look at Slide 49 in Group Exhibit A
8 that is showing. Is that the proper circle?

9 A. Yes.

10 Q. Showing Morrison Road?

11 A. That is correct.

12 Q. Okay. So we will have to revise this yet
13 again. Now, also there has been some indication here
14 that the Long Lake Fire Department is south of where
15 it is depicted on this particular print, is that
16 correct?

17 A. It is correct on the original exhibit and
18 it was shifted on the --

19 Q. Revised slide?

20 A. Yes. Well, no, I am sorry. It is in the
21 wrong place. Long Lake is -- it is on Pontoon Road,
22 but I think it is too far to the -- it is a little

1 bit too far to the east, right, on the one on the
2 screen?

3 MR. EVANS: It is right next to 108.

4 Q. Well, and I direct your attention to Slide
5 50. Is that an accurate location for Mitchell Fire
6 Department?

7 A. Yes, to the best of my knowledge.

8 Q. Okay. Now, I am going to show you Slide
9 51. Based on your information, the yellow area, is
10 that the service area of the Mitchell Fire District
11 in and around Morrison Road?

12 A. To the best of my knowledge.

13 Q. Does that Long Lake look accurate to you?

14 MR. EVANS: We haven't got to Long Lake yet.
15 That's Mitchell.

16 MR. SHUMATE: The next slide, how about that
17 one, on Slide 52?

18 MR. EVANS: That's where it is, yes.

19 BY MR. SHUMATE:

20 Q. And what does that depict?

21 A. It shows the Long Lake Fire Department. It
22 is an aerial view. It shows it is situated along

1 Pontoon Road.

2 Q. So it is to the east of Long Lake, correct,
3 and on Pontoon Road?

4 A. Right, correct.

5 Q. So the depiction on Revised Slide 49, while
6 it might be on the right side or correct side of the
7 lake, is certainly not far enough south to be on
8 Pontoon Road; it should be moved, the red dot should
9 be moved further south, for the property depiction of
10 the Long Lake Fire Department?

11 A. The dot is in the wrong spot, yes.

12 JUDGE DUGGAN: Let's go off the record a
13 second.

14 (Whereupon there was then had an
15 off-the-record discussion.)

16 JUDGE DUGGAN: Back on the record.

17 I just discussed off the record a
18 possibility of moving on and come back to this
19 subject at the next hearing with revised exhibits,
20 and Mr. Shumate will proceed accordingly.

21 BY MR. SHUMATE: Yes.

22 Q. I now show you Slide 53. What is this

1 supposed to depict?

2 A. It is showing -- the railroad is shown in
3 green. It shows the Long Lake Fire District in
4 yellow, or to the best of my knowledge.

5 Q. And it is supposed to be their service
6 area?

7 A. That is correct.

8 Q. Now, the next slide is 54. Is this the
9 Granite City Fire Department?

10 A. To the best of my knowledge.

11 Q. And Slide 55 is the service area of the
12 Granite City Fire Department?

13 A. That is correct, in and around Morrison
14 Road.

15 Q. Okay. And the tracks of the Alton Southern
16 are --

17 A. In green again.

18 Q. Now I am going to show you Slide 56. What
19 does this depict?

20 A. This is, once again, showing an aerial view
21 of Morrison Road with our mainline running north and
22 south from -- and it shows, illustrated by stick pins

1 at 500 feet to each side of Morrison Road, both north
2 and south, and it depicts the point where we, when we
3 have to stage a train, that we will cut the crossing
4 and leave each section of the train 500 feet back off
5 the road crossing.

6 JUDGE DUGGAN: Okay. Are you saying that if
7 you have to cut the train, this was where you would
8 pull it back 500 feet from the crossing?

9 THE WITNESS: That is correct.

10 JUDGE DUGGAN: And the circumstances you would
11 have to cut a train are what?

12 THE WITNESS: If for some reason a connecting
13 carrier can't take that train and it is up there,
14 then we would not leave it over an active road
15 crossing. We would cut that, cut the crossing, so
16 that vehicle traffic can go through.

17 JUDGE DUGGAN: Once again, your yard or the
18 interchange yard extends how far north of Morrison?

19 THE WITNESS: Let me go back to the diagram.
20 Morrison Road is 19.7, so approximately there is
21 about a mile, a little over a mile.

22 JUDGE DUGGAN: Okay. And you would have trains

1 long enough to extend from 19.7 for the mile over the
2 road?

3 THE WITNESS: Yes.

4 JUDGE DUGGAN: Okay. So, anyway, the purpose
5 of this is simply to show, what, that you have the
6 room or --

7 THE WITNESS: We have the room and also that we
8 have a plan and we do this so that we -- if we can't
9 move a train, then we will cut the crossing.

10 JUDGE DUGGAN: Thank you.

11 BY MR. SHUMATE:

12 Q. Now, also with regard to Slide 56, it shows
13 the 500-foot clear rule, that's the statutory rule
14 and the regulation as adopted by the Illinois
15 Commerce Commission. To your knowledge are there any
16 obstructions within those 500 feet that are not under
17 the control of the railroad?

18 A. You want to know if there are obstructions
19 that are not in our control?

20 Q. Yes, sir.

21 A. Yes. In the northwest quadrant there is a
22 tree line that is off of our property. On the -- in

1 the northeast quadrant there is a property owner that
2 has his property fenced and it is a chain link fence.

3 Q. But the tree line and the fence, neither of
4 those installations are on A&S right-of-way?

5 A. That's correct.

6 Q. They are not within that 80-foot
7 right-of-way?

8 A. They are not.

9 JUDGE DUGGAN: Why do you consider them
10 obstructions?

11 THE WITNESS: Just we try to keep -- on our
12 property we try to keep visual sight lines, and each
13 one of the quadrants is unencumbered as we can. And
14 we will try to do that on our own property and we
15 work with adjacent landowners to try to improve the
16 sight line for the motorists.

17 JUDGE DUGGAN: I guess I can understand the
18 trees. I don't understand the chain link fence.

19 THE WITNESS: There is vegetation that grows in
20 the chain link fence. So certain times of the year
21 it poses a barrier.

22 BY MR. SHUMATE:

1 Q. There is also the signal box. Would that
2 be termed a necessary obstruction?

3 A. That is a necessary obstruction.

4 Q. Okay. Now, with the addition of the two
5 additional tracks would that improve the efficiency
6 of operations of trains through the crossing?

7 A. Yes.

8 Q. Would you explain that, please?

9 A. By having multiple tracks, we can -- as the
10 volume grows we need the multiple tracks in order to
11 efficiently, expeditiously, move the trains through
12 the interchange point. I kind of look at it like
13 being a grocery store on a Tuesday; you do okay with
14 one checkout. But on a Saturday, if you only have
15 one checkout with all the additional business, things
16 can get really backed up. So as the train volume
17 comes up, we need to have additional cueing
18 opportunities so we can efficiently move the trains
19 through the interchange.

20 Q. With the four tracks, could at the same
21 time two trains go through the crossing?

22 A. Absolutely.

1 Q. Could two trains go through the crossing in
2 opposite directions?

3 A. Absolutely.

4 Q. Will that in any way, shape or form improve
5 fluidity at the crossing?

6 A. Absolutely. We can have multiple trains
7 being processed through that area at a single time
8 instead of bringing them one in after the other.

9 Q. With the addition of the additional two
10 tracks, will the adverse effect on the traffic that
11 is trying to cross the crossing -- will it have a
12 positive or a negative effect upon the traffic?

13 A. It will have a positive effect.

14 JUDGE DUGGAN: A positive effect on what again?

15 THE WITNESS: The motoring traffic, the vehicle
16 traffic. By adding additional tracks and being more
17 fluid up there, you are not going to be blocking the
18 crossing as much as if you just had one or two
19 tracks.

20 JUDGE DUGGAN: I am not sure how that works,
21 but.

22 BY MR. SHUMATE:

1 Q. Let me ask a couple questions. If you have
2 four tracks, can you have a train going in each
3 direction at the same time?

4 A. Yes.

5 Q. If you have four tracks, can you run a
6 train behind another train with, say, a reasonable
7 amount of time so that you can get more work done,
8 let's say, in the evening as opposed to rush hour?

9 A. Correct.

10 Q. And could you have two trains going north
11 at the same time?

12 A. Yes.

13 Q. So if the two trains are going through the
14 crossing at the same time rather than one train at a
15 time, you could have two trains at a time, is that
16 correct?

17 A. Yes.

18 Q. And then the crossing would be out of
19 service but instead of having -- well, why don't you
20 explain that. If you have two trains going through
21 the crossing at the same time, why does that make it
22 more efficient?

1 A. It makes it more efficient having four
2 tracks there. You can -- as the trains show up, you
3 can be doing the interchange on multiple trains at
4 once. Instead of having one train in there doing its
5 business and the other one coming in elephant style,
6 kind of nose to tail, and continuing just walking
7 through the crossing and always having it, you can
8 interchange multiple trains at once which is going to
9 lessen the amount of time that the crossing is
10 occupied.

11 Q. If the two additional tracks are not
12 installed, will the amount of business still and the
13 number of trains still be the same?

14 A. Yes.

15 Q. Okay. All right. To your knowledge are
16 the grade crossing warning devices as proposed for
17 the Morrison Road crossing going to be modified to
18 accommodate the installation of the two additional
19 tracks?

20 A. Yes.

21 Q. In what way will the signals be modified?

22 A. The two additional tracks will get the

1 concrete pad crossing surface. We will be installing
2 new flashers and gates as well as a new signal house
3 that will be resituated to the correct distance.

4 Q. So it will be brand new signals at this
5 location then?

6 A. That is correct.

7 Q. Will the grade crossing surface at the
8 crossing be modified to accommodate the installation
9 of the two additional tracks through the crossing?

10 A. Yes.

11 Q. To your knowledge are concrete panels
12 state-of-the-art for at-grade crossings in the United
13 States of America?

14 A. Yes, it is.

15 Q. Will the sight lines -- strike that.

16 In your opinion will the grade
17 crossing at Morrison Road be improved from a safety
18 standpoint as a result of the modifications to the
19 grade crossing warning devices and the crossing
20 surface as proposed in the Alton Southern's petition
21 in this matter?

22 A. Yes, I think it will be as safe or safer.

1 Q. Now I am going to show you a document that
2 has been marked as Slide 57. Are you generally
3 familiar with this document?

4 A. Somewhat.

5 Q. Okay. And what's its title?

6 A. It is the Federal Surface Transportation
7 Board has exclusive jurisdiction over rail operations
8 and facilities.

9 Q. Without going into any details, but what is
10 your understanding of this particular slide?

11 A. It is just --

12 MR. ROBERTSON: Excuse me, Your Honor.
13 Ordinarily the law speaks for itself. The witness
14 can't testify as to what the statute means or doesn't
15 mean.

16 I have no objection to this going into
17 the record for informational purposes, but I do
18 object to the witness testifying about what it does.

19 MR. SHUMATE: Okay. That's fine.

20 JUDGE DUGGAN: All right. So you agree to
21 withdraw your question, is that correct?

22 MR. SHUMATE: Yeah, I will withdraw the

1 question and move it in through the exhibit for the
2 Illinois --

3 JUDGE DUGGAN: The court reporter is losing you
4 on this stuff.

5 BY MR. SHUMATE: Okay. For the ICC's review.

6 Q. You testified earlier that the current
7 timetable speed for the trains through the Morrison
8 Road crossing is approximately 20 miles per hour
9 right now, is that correct?

10 A. That is correct.

11 Q. What would be the timetable speed of the
12 trains moving through the Morrison Road crossing
13 after the two additional tracks are installed and the
14 warning devices relocated?

15 A. We plan to be able to increase our speed to
16 a proposed 30 miles per hour.

17 Q. If the trains go through the crossing at 30
18 miles an hour as opposed to 20 miles an hour, will
19 that reduce the amount of gate down time?

20 A. Yes.

21 JUDGE DUGGAN: That will do what?

22 BY MR. SHUMATE: Reduce the amount of gate down

1 time.

2 Q. Directing your -- we showed briefly that
3 there was an Illinois Commerce Commission Order with
4 regard to this particular crossing in 1962. Do you
5 know what the approximate train speed was when that
6 Order was issued by the Illinois Commerce Commission
7 in 1962?

8 A. Yes.

9 Q. What was that?

10 A. Fifteen miles per hour.

11 Q. Okay. And what was the approximate vehicle
12 car count in 1962 for vehicles at the crossing?

13 A. Six hundred forty cars per day.

14 Q. And what was the proposed speed of the
15 trains that would be moving through the crossing in
16 accordance with that Illinois Commerce Commission
17 fact-finding or the Order?

18 A. Trains were 15 trains a day.

19 Q. No, but the speed.

20 A. The speed was 15 miles per hour.

21 Q. And the number of trains?

22 A. Fifteen.

1 Q. Okay. And that Order that was entered in
2 June of 1962, what was the major purpose of that
3 particular Order?

4 A. It was to construct an additional track
5 at-grade through what is now Morrison Road.

6 Q. Do you know what type of signalization was
7 ordered in at the crossing in 1962?

8 A. I am not sure that -- I could be mistaken,
9 I would have to look. In '62, I don't --

10 Q. I will withdraw the question. If you don't
11 know, that's fine.

12 And then based on the Order in 1962,
13 was this Morrison Road crossing located partly in
14 Nameoki Township and partly -- what's the other
15 township? Chouteau Township?

16 JUDGE DUGGAN: Everybody has got to be aware of
17 something here. There is a court reporter here whose
18 job it is to take down the words that are spoken here
19 and to identify who is speaking it. So when people
20 start speaking informally like that, you create a
21 problem for the record and the transcript. So
22 probably if we run into a situation like that, if

1 everybody taps somebody on the shoulder and we will
2 go from there.

3 MR. SHUMATE: For the purpose of the record, it
4 is Nameoki Township and Chouteau Township.

5 JUDGE DUGGAN: Can you spell it?

6 MR. SHUMATE: Yeah, Nameoki is N-A-M-E-O-K-I,
7 and Chouteau, I believe, is C-H-O-U-T-E.

8 AUDIENCE: A-U.

9 JUDGE DUGGAN: Okay, stop. Nobody heard what I
10 just said about the court reporter. Let's just keep
11 it in order, please. Okay. Back on the record.

12 BY MR. SHUMATE:

13 Q. All right. And are both of those townships
14 in Madison County?

15 A. Yes.

16 Q. To your knowledge do the crossing warning
17 devices and the grade crossing surfaces proposed in
18 this petition satisfy the requirements of the Manual
19 of Uniform Traffic Control Devices and the
20 requirements of the FRA with regard to grade crossing
21 protection in the state of Illinois?

22 A. To the best of my knowledge, yes.

1 JUDGE DUGGAN: Where are those proposed? Did
2 you submit plans or are you --

3 MR. SHUMATE: I am going to.

4 JUDGE DUGGAN: Okay. But he is going to
5 testify to that and then you are going to have some
6 others testify to it?

7 BY MR. SHUMATE: Yes, sir.

8 Q. Will the Alton Southern construct the grade
9 crossing surface in accordance with the plan
10 specifications that will be made part of this record?

11 A. Yes.

12 Q. Will the Alton Southern construct the grade
13 crossing warning devices in accordance with the plan
14 specifications which will be made part of this
15 record?

16 A. Yes.

17 Q. Will the Alton Southern maintain both the
18 grade crossing surface and the grade crossing warning
19 devices in accordance with the applicable laws and
20 regulations of the FRA and the Illinois Commerce
21 Commission?

22 A. Yes.

1 Q. Is there anything unique about the grade
2 crossing warning devices and the grade crossing
3 surface as proposed in the subject petition that
4 would adversely impact the safety of the grade
5 crossing which is the subject of today's petition?

6 A. No.

7 Q. What will be the angle of the tracks
8 through Morrison Road after completion of the
9 modifications to the crossing?

10 A. Ninety degrees.

11 Q. To summarize, the Alton Southern needs the
12 additional two tracks through the crossing why?

13 A. For the efficient operation of the trains.

14 Q. The Alton Southern has the real property
15 interest required to install the additional two
16 tracks to your knowledge?

17 A. Yes.

18 Q. The Alton Southern would maintain the
19 additional two tracks and the crossings?

20 A. Yes.

21 Q. The Alton Southern will maintain the grade
22 crossing warning devices and crossing surface at the

1 Morrison Road grade crossing?

2 A. Yes.

3 Q. The proposed grade crossing warning devices
4 and the crossing surfaces are designed in accordance
5 with applicable law to the best of your knowledge?

6 A. Yes.

7 MR. SHUMATE: I have no further questions.

8 The next witness, Your Honor, to
9 testify is stain and he will not be as long as at
10 all. And then the next one will talk about the
11 plans.

12 JUDGE DUGGAN: Let me just ask one question
13 here.

14 EXAMINATION

15 BY JUDGE DUGGAN:

16 Q. It appears that you are proposing the
17 tracks be about a mile and a half long, is that
18 right, 8,103 feet?

19 A. Yes.

20 Q. How long are the tracks gated?

21 A. They are various lengths. We have anywhere
22 from 8,000 feet down to 1500 feet, depending on the

1 use and all that.

2 Q. Okay. All right. And, again, because
3 Mr. Shumate is so familiar with this, I think we
4 skipped over the fundamental aspect of the proposal
5 here. The proposal is that you have the -- you have
6 the trains we discussed or, excuse me, you have the
7 tracks at your interchange yard which is, you are
8 saying, includes the Morrison crossing but the
9 present tracks, only two of them presently cross
10 Morrison Road, correct?

11 A. That is correct.

12 Q. The whole proposal is to extend two of
13 those tracks south so that you will now have four
14 tracks crossing at-grade at Morrison Road, is that
15 correct?

16 A. That is correct.

17 Q. All right. Thanks. And then the tracks to
18 be extended are shown in the Exhibit C and one of the
19 slides, is that correct?

20 A. That is correct.

21 JUDGE DUGGAN: All right. Very good. I assume
22 you are going to hold off on proposing or introducing

1 exhibits into evidence for awhile?

2 MR. SHUMATE: Yes, I will do it at the end.

3 JUDGE DUGGAN: What?

4 MR. SHUMATE: I will do it at the end.

5 JUDGE DUGGAN: Right.

6 MR. SHUMATE: I am done with this Alton
7 Southern Group Exhibit A.

8 JUDGE DUGGAN: Let me ask you this. Are you
9 going to change the exhibits with regard to where the
10 fire protection is?

11 MR. SHUMATE: Yes, I am.

12 JUDGE DUGGAN: Where their stations are
13 located?

14 MR. SHUMATE: I am going to submit revised
15 exhibits.

16 JUDGE DUGGAN: That's fine. I don't need to
17 know that. What I am going to suggest, though, is
18 that the ones that you have already revised, on the
19 original set, that we will go ahead and mark those,
20 make a notation that they have been revised and see
21 supplement. So when somebody looks at the original
22 exhibit, they are going to understand that that is no

1 longer operative.

2 And that then -- presumably we will do
3 that with your new ones, and I don't know which of
4 these 48 and 49, if both of those have to be replaced
5 or not, but whichever ones have to be replaced, we
6 will also need to mark them. If it is these
7 supplements then, we don't even need to put this
8 supplement in.

9 MR. SHUMATE: I wouldn't put that supplement
10 in. I will send in a revised supplement for all
11 three slides.

12 JUDGE DUGGAN: Okay. Then I will also note
13 that what you have is an amalgamation of photographs,
14 documents, Orders, and so -- and there is a question
15 as to whether you are intending that the script in
16 some places be deemed the same as testimony. You
17 know, in other words, where there is representations
18 made in writing on some of your exhibits, whether...

19 MR. SHUMATE: Yes, Your Honor, I would.

20 JUDGE DUGGAN: ..whether it is intended that
21 they be introduced just as if they were read into
22 evidence.

1 MR. SHUMATE: Yes, Your Honor.

2 JUDGE DUGGAN: So we are going to have to ask
3 everybody their opinion on that as to how they want
4 to proceed. So we may have to spend some time
5 addressing this. So if we wait until five o'clock to
6 do this, we are going to have a problem.

7 MR. SHUMATE: Right. I understand.

8 JUDGE DUGGAN: So maybe we should do that. If
9 you can't introduce it now, we are going to have to
10 address that.

11 MR. SHUMATE: Why don't we hold back on that
12 and we can get the rest of the direct on, and then we
13 can talk about the exhibits at the next hearing.

14 JUDGE DUGGAN: Okay. Any objection to that?

15 MR. SINCLAIR: None from me, Your Honor.

16 JUDGE DUGGAN: Okay. That way you guys can
17 preserve all your objections to the Order. But if
18 you look at this in the meantime and see exactly what
19 you want to agree to and what you want to not agree
20 to because, like I say, there is writing on some of
21 these. If he wants that to contend that that would
22 be the same as words of evidence, then we need to

1 know that.

2 All right. Very good. Call your next
3 witness.

4 MR. SHUMATE: Now I would like to call Russell
5 Pratt, please.

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RUSSELL PRATT

called as a witness on behalf of Petitioner, having
been first duly sworn, was examined and testified as
follows:

DIRECT EXAMINATION

BY MR. SHUMATE:

Q. Mr. Pratt, would you state your name for
the record.

A. Russell Pratt.

Q. Will you spell that, please?

A. R-U-S-S-E-L-L P-R-A-T-T.

Q. And, Mr. Pratt, by whom are you currently
employed?

A. Alton and Southern Railway.

Q. In what capacity?

A. I am the Manager of Signal and
Communications.

Q. And how long have you worked for the Alton
and Southern?

A. Twenty-two years.

Q. And are you familiar with the petition that
has been filed?

1 A. Yes, sir.

2 Q. Are you familiar with the crossing that is
3 the subject of the petition?

4 A. Yes, sir.

5 Q. When is the last time you were there?

6 A. Three weeks ago.

7 Q. Okay. And you said you are manager of
8 signal and communications?

9 A. Yes, sir.

10 Q. Are you charged with the responsibility for
11 the signal design, the construction of the signals at
12 this particular crossing?

13 A. I am not in charge of the design. I am in
14 charge of the construction and the maintenance.

15 Q. Who is in charge of the signal design?

16 A. The signal design group for the Union
17 Pacific in Omaha, Nebraska.

18 Q. Did you receive a design plan for this
19 particular crossing for the grade crossing warning
20 devices?

21 A. Yes, sir.

22 Q. I am now going to show you what's been

1 marked as A&S Exhibit C. Are you familiar with that
2 document?

3 A. Yes, sir.

4 Q. What is it?

5 A. It is the new design plan for the upgrade
6 to the crossing at Morrison Road.

7 Q. And when you say the upgrade for the signal
8 design, does that include the grade crossing devices,
9 the lights, the gates, the bells?

10 A. Yes. This entire plan includes the
11 existing set of circuit plans, the adjacent circuit
12 plans for the adjacent crossing which is Pontoon
13 Road, and the upgrade to be installed at Morrison
14 Road which depicts the gates, flashers, cabin
15 location, and the type of equipment to provide the
16 protection.

17 Q. Okay. On this particular set of plans,
18 one, two, three, four.

19 JUDGE DUGGAN: Why is Pontoon plans in here?

20 THE WITNESS: It is just a standard protocol
21 that we have adjacent plans.

22 JUDGE DUGGAN: Okay. So you have both north

1 and south?

2 THE WITNESS: Yes.

3 BY MR. SHUMATE:

4 Q. So on page 12, what is that? It's got an X
5 on it.

6 A. This was the preliminary design that was
7 proposed with 15-foot track centers. Due to our
8 property lines, we had to make an adjustment which is
9 updated on your Slide 7.

10 Q. And is this Slide 7 what's depicted on the
11 screen right now?

12 A. Yes, sir.

13 Q. What's the difference, the major
14 difference, on this between what was in the original
15 plan?

16 A. For the -- as you look at the screen, the
17 bottom track which is Mitchell 6, the second track up
18 is Mitchell 5, those two tracks should have a 14-foot
19 track center instead of a 15-foot track center.

20 Q. Okay. So on the document in writing here
21 it was 15 and it should have been 14?

22 A. That is correct.

1 Q. And the print Exhibit 7 which is part of
2 A&S Group Exhibit A has the correct slides, correct?

3 A. That is correct.

4 JUDGE DUGGAN: Are you saying there is a
5 correction -- that there is an error on Exhibit 7?

6 MR. SHUMATE: No, sir. It is the correct.

7 JUDGE DUGGAN: Where does it say? I can't find
8 this 14.

9 MR. SHUMATE: There is a line on the bottom and
10 you will see it says --

11 THE WITNESS: If you look to the right of what
12 is to be the road crossing -- Mr. Smith is showing
13 him.

14 MR. SHUMATE: Okay. Right here, it is 14, 14,
15 15. On the original it had 15 and 15.

16 JUDGE DUGGAN: And that is as proposed.

17 MR. SHUMATE: That's the proposed.

18 THE WITNESS: In the proposed it is 14.

19 JUDGE DUGGAN: At the crossing?

20 THE WITNESS: Through the entire length of the
21 track.

22 JUDGE DUGGAN: Okay. Thank you.

1 BY MR. SHUMATE:

2 Q. Now, this particular set of signal plans,
3 they will be given to the Illinois Commerce
4 Commission for their review if this is approved, is
5 that correct?

6 A. Yes, sir.

7 Q. And is what's been marked as Slide 7, is
8 that typically called a front sheet?

9 A. That is the front sheet.

10 Q. And that shows generally what?

11 A. It shows the circuit design with existing
12 flasher locations, cabin location, and the projected
13 warning times for the wires to be terminated to the
14 track to provide the warning time.

15 Q. Are there any other traffic signals in the
16 area for any other roads that have to be
17 interconnected with this particular crossing?

18 A. No, sir.

19 Q. Okay. And what type of preemption will it
20 have? I have heard the phrase as CWT or constant
21 warning time things. What will be --

22 A. This will be a crossing predictor.

1 Q. Okay. Would you explain that, please?

2 A. It looks at the speed of the train and
3 determines by the speed of the train when the gates
4 should come down to give the appropriate warning time
5 for the motorists.

6 Q. So it will meet the requirements of the
7 federal regulations, is that correct?

8 A. Yes, sir.

9 Q. Now, if a train stops before it enters into
10 the crossing, what happens with the gate?

11 A. If the train stops before the island
12 circuit which is a circuit within compass -- within
13 50 feet outside the crossing, the crossing will time
14 out.

15 Q. What does that mean?

16 A. The flashers will stop flashing and the
17 gates will come up.

18 Q. And then that will allow the traffic to go
19 through, is that correct?

20 A. Yes, sir.

21 Q. Then if another train on any of the tracks
22 from either direction starts to move and gets into

1 the circuit, what happens?

2 A. The crossing activates.

3 Q. What does that mean?

4 A. The flashers come on and the gates come
5 down.

6 Q. Okay. So by having this type of a system
7 does it minimize the amount of gate down time if you
8 have trains that are actually stopped in the area?

9 A. Yes, sir.

10 Q. Is there anything I have failed to ask you
11 that you think would be helpful for the examiner in
12 this particular matter?

13 A. No, sir.

14 MR. SHUMATE: Okay. No further questions on
15 that.

16 JUDGE DUGGAN: Okay. And, again, he is
17 reserved for the next hearing unless somebody has
18 anything. But if you are fine leaving everything to
19 the next hearing, we will do that.

20 MR. EVANS: I am.

21 MR. SHUMATE: Now I would like to call Jason
22 Haas, Design Nine.

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JASON HAAS

called as a witness on behalf of Petitioner, having
been first duly sworn, was examined and testified as
follows:

DIRECT EXAMINATION

BY MR. SHUMATE:

Q. Would you state your name for the record,
please.

A. My name is Jason Haas.

Q. And spell that, please.

A. J-A-S-O-N, H-A-A-S.

Q. Mr. Haas, by whom are you currently
employed?

A. The engineering design firm Design Nine,
Inc.

Q. And how long have you worked with them?

A. Approximately 13 and a half years.

Q. And are you familiar with the subject
matter of today's petition?

A. Yes, I am.

Q. And have you had an opportunity to visit
the crossing where this petition involves?

1 A. Yes, I have.

2 Q. What did your corporation do with regard to
3 this particular crossing?

4 A. We were contracted by the Alton and
5 Southern Railroad to perform a detailed engineering
6 design for the railroad embankment and track
7 structure and alignment.

8 Q. And that would be for not only just the
9 crossing but the entire project, is that correct?

10 A. Correct, for all track extensions.

11 Q. Okay. And we call that the extension of
12 the Mitchell Yard or Interchange Yard, is that
13 correct?

14 A. Correct.

15 Q. Okay. As part of your engineering process
16 did you work with drainage in the area?

17 A. Yes. It is taken under consideration, yes.

18 Q. And do you have any permits that you have
19 either applied for or received with regard to this
20 particular project?

21 A. Yes, I am aware of permits that have been
22 applied for.

1 Q. And do you know what they are?

2 A. A Notice of Intent to the Illinois
3 Department of Natural Resources before grading can
4 begin.

5 Q. All right. And then are there any drainage
6 facilities that have been designed into the project
7 to improve drainage of the entire area?

8 A. There is no new drainage structures
9 underneath the railroad track, but we will be
10 upgrading three of the four existing drainage
11 structures that pass from underneath the railroad
12 track embankment.

13 Q. Okay. When you say you are going to be
14 upgrading them, what does that mean?

15 A. When I say upgrading, currently there is --
16 just south of Morrison Road there is a twin 24-inch
17 diameter culvert that drains from west to east. That
18 culvert is currently below grade which means the flow
19 line is actually higher than the culvert. It is
20 still functioning; to what capacity we do not know.
21 Instead of trying to clean that out, we are going to
22 propose installing twin 30-inch diameter culverts at

1 a slighter higher elevation to assist the farmers
2 drainage of fields on the west side to drain to the
3 east side.

4 Q. What's the generally flow of storm water in
5 the vicinity of the crossing?

6 A. At the rail crossing itself it is from west
7 to east.

8 Q. Will that be maintained?

9 A. Yes.

10 Q. And with the addition of the two additional
11 tracks within the 80-foot right-of-way, will that
12 have an adverse effect on drainage in the area?

13 A. Due to the linear nature of the project,
14 crossing several drainage basins, there should be a
15 slight increase of water runoff from the construction
16 activities. But over time the degradation of the
17 track structure and sub-ballast material, it will
18 start to retain more water and reduce at a slightly
19 lower rate.

20 Q. With the addition of a track structure with
21 the ballast and sub-ballast, is that the same as,
22 let's say, a hard surface like, say, an asphalt

1 parking lot or something like that?

2 A. No, it is not.

3 Q. In what way is it different?

4 A. The amount of run off that is generated
5 from a storm is significantly less than an asphalt,
6 concrete, paved road, but it is still slightly higher
7 than, we will call it, a dirt embankment, a dirt
8 surface.

9 Q. Now, you mentioned the reconstruction of a
10 couple culverts. Are there any others that are going
11 to be redesigned?

12 A. Yes, there is currently an 18-inch diameter
13 culvert which is in good working condition. But due
14 to its size, it currently does not meet the minimum
15 requirements for a culvert that the railroad deems to
16 pass underneath the track embankment. It will also
17 be upgraded to a 30-inch diameter culvert.

18 And then finally there is a 24-inch
19 diameter culvert at the very far end, southern end,
20 of the expansion project. It is currently fairly
21 functioning. It does have a sag in the middle of the
22 pipe. While we are upgrading all the other culverts,

1 we are going to upgrade this one also to a 30-inch
2 diameter culvert in line with railroad
3 specifications.

4 Q. With regard to the actual crossing as part
5 of the project, do you know what the slope of the
6 crossing will be for the highway across the tracks?

7 A. Yes. Going from an east to west direction,
8 we will be approximately a 1.4 percent grade. Once
9 we reach the four tracks, they will be at a constant
10 elevation so it will be a zero percent grade for the
11 motor vehicle crossing the tracks. And then we will
12 descend back down at approximately a 1.2 percent
13 grade.

14 Q. To your knowledge does that comply with the
15 regulations of the Illinois Commerce Commission for
16 slope over a crossing?

17 A. Yes, they do.

18 Q. Any further questions that I should have
19 for you that I failed to ask that you think would be
20 helpful for the Hearing Examiner in this particular
21 case?

22 A. Not at this time.

1 MR. SHUMATE: Okay. Thank you.

2 JUDGE DUGGAN: Were there any drawings
3 depicting --

4 MR. SHUMATE: Oh, let me mention this. Let me
5 go back on the record, if we can, Your Honor.

6 JUDGE DUGGAN: Sure.

7 BY MR. SHUMATE:

8 Q. Have you completed the design plans for the
9 project and the crossing yet?

10 A. Yes, I have. I just have finished a
11 revised plan based upon the new track center
12 configuration to keep all embankment grade on A&S
13 right-of-way.

14 Q. When those plans are finalized, will you
15 forward them to the railroad for their consideration
16 and review?

17 A. Yes. They are to the standpoint now that I
18 need to send them to the director of engineering at
19 the Alton Southern for his review and approval.

20 Q. Okay. And after they are reviewed and
21 approved, would they then be in a condition that
22 could be submitted to the Illinois Commerce

1 Commission for their review with regard to the
2 crossing?

3 A. Yes.

4 Q. But you don't have those yet?

5 A. Correct.

6 Q. Thank you. Do you know approximately when
7 that might be available?

8 A. Could have that happen within a couple
9 weeks.

10 MR. SHUMATE: Okay, thank you. I call Dave
11 Smith.

12 DAVID D. SMITH

13 called as a witness on behalf of Petitioner, having
14 been first duly sworn, was examined and testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. SHUMATE:

18 Q. Would you state your name for the record,
19 please.

20 A. David Dean Smith.

21 Q. Would you spell that, please?

22 A. D-A-V-I-D, S-M-I-T-H.

1 Q. Mr. Smith, by whom are you currently
2 employed?

3 A. The Alton Southern Railroad.

4 Q. And how long have you worked for the Alton
5 Southern Railway?

6 A. Twenty-five plus years.

7 Q. What's your current position?

8 A. I am the Chief Clerk to the Director of
9 Track.

10 Q. And what are your responsibilities?

11 A. They vary. I have general oversight of
12 most of the clerical work that happens in the office
13 and handle most of the correspondence relating to the
14 track and engineering department.

15 Q. Do you maintain the records of the company?

16 A. I do.

17 Q. And those include track records and real
18 estate records?

19 A. Yes, sir.

20 Q. Are you familiar with the project which is
21 the subject of today's petition?

22 A. I am.

1 Q. And have you had an opportunity ever to
2 visit the location?

3 A. Just on a road trip, but not recently.

4 Q. Have you had a request to look for records
5 related to the crossing by your boss?

6 A. Yes, sir.

7 Q. Have you found records that are pertinent
8 to this particular matter in this crossing?

9 A. Yes, sir.

10 (Whereupon A&S Exhibit B was
11 presented for purposes of
12 identification as of this date.)

13 Q. Now I am going to show you a document
14 that's been marked as A&S B, Exhibit B. Are you
15 familiar with that document?

16 A. Yes, sir. That's the affidavit that you
17 helped me draft that we accumulated all the
18 documents.

19 Q. Is this your affidavit?

20 A. It is.

21 Q. To the best of your knowledge is it true
22 and accurate?

1 A. It is.

2 Q. And have you supplied exhibits to it to
3 support the affidavit?

4 A. I have.

5 Q. I would like you to -- it's not a very long
6 affidavit. I would like you to read this affidavit
7 into the record, if you would, please.

8 JUDGE DUGGAN: What's that?

9 MR. SHUMATE: I would like him to read this
10 affidavit into the record.

11 JUDGE DUGGAN: Four pages?

12 MR. SHUMATE: Yes. Or if he can summarize it,
13 if that's what you desire, we can do that, too,
14 because it does speak for itself.

15 JUDGE DUGGAN: Let's go off the record.

16 (Whereupon there was then had an
17 off-the-record discussion.)

18 JUDGE DUGGAN: Back on the record.

19 Off the record the parties reviewed
20 the affidavit which is the front part of Alton
21 Southern's Exhibit B which is the affidavit of this
22 present witness David Smith, and we discussed the

1 possibility of stipulating, not to the truth of the
2 matter asserted or anything, other than the fact that
3 if Mr. Smith were called to testify regarding the
4 matters in the affidavit, that he would in fact
5 testify precisely as stated in the affidavit.

6 And is that -- do you stipulate to
7 that, Mr. Evans?

8 MR. EVANS: I do.

9 JUDGE DUGGAN: And, Mr. Sinclair?

10 MR. SINCLAIR: Yes.

11 JUDGE DUGGAN: Mr. Saladino?

12 MR. SALADINO: Yes, Your Honor.

13 JUDGE DUGGAN: Mr. Robertson?

14 MR. ROBERTSON: Yes, sir.

15 JUDGE DUGGAN: Okay. So we so stipulate. So
16 we stipulated if called to testify according to the
17 statements in that affidavit as if they were
18 specifically read, and that was testified.

19 BY MR. SHUMATE:

20 Q. Then just as a summary with regard to your
21 affidavit and the research, the exhibits attached in
22 this, do they include any deeds that you found in the

1 Alton Southern records?

2 A. Yes, sir. Both deeds, both parcels that
3 meet at Morrison Road and include Morrison Road.

4 Q. And are there any Commerce Commission
5 records that are included in here?

6 A. Yes, sir, the three that have been
7 previously noted.

8 Q. When you say three, it's the three Orders?

9 A. Three Orders.

10 Q. Concerning Morrison Road?

11 A. It is the original crossing, the second
12 track, and then the signal upgrade.

13 Q. And the sum and substance of all of this
14 information is what in your opinion?

15 A. Well, the general opinion is that the
16 railroad had purchased ground and had been granted by
17 the ICC and the townships involved the rights to
18 cross at-grade with the railroad in the past, and we
19 base that the Commission would allow us to cross
20 again with another couple tracks.

21 Q. And is it your opinion on this affidavit
22 that the Alton Southern owns the 80-foot right-of-way

1 upon which this petition is based?

2 A. Yes, it is clear in the record.

3 MR. SHUMATE: No further questions.

4 JUDGE DUGGAN: Very good. We will make clear
5 that the parties also mentioned specifically that the
6 stipulation that he would testify as stated in the
7 affidavit does not in any way affect their rights to
8 cross examine. Okay, very good.

9 MR. SHUMATE: What I would like to do is
10 reserve, for purposes of this hearing, the right to
11 bring any additional information that we have
12 referenced with additional plans to bring in,
13 anything else that is brought to our attention by
14 either the fire districts, the Commission or the
15 city, and to cross examine any of the respondents'
16 direct, and look forward to bringing everybody that's
17 necessary for the next hearing for cross examination.

18 JUDGE DUGGAN: Anybody have a reason why they
19 shouldn't be allowed to do that?

20 Mr. Evans?

21 MR. EVANS: I do not.

22 JUDGE DUGGAN: Mr. Sinclair?

1 MR. SINCLAIR: No.

2 JUDGE DUGGAN: Mr. Robertson?

3 MR. ROBERTSON: No.

4

5 JUDGE DUGGAN: Mr. Saladino?

6 MR. SALADINO: No.

7 JUDGE DUGGAN: Then you will be allowed to do
8 that. I guess at the next hearing the Railroad will
9 still be taking lead, finishing up and if you need
10 it.

11 Let's go off the record.

12 (Whereupon there was then had an
13 off-the-record discussion.)

14 JUDGE DUGGAN: Back on the record.

15 Off the record we discussed that
16 everybody is actually fine with the Railroad
17 continuing to put on their case in chief at the next
18 hearing, and whether the other parties will need
19 further time at another hearing and it is simply
20 going to be up to them. And if they need it, they
21 will get it.

22 Other than that, as far as the next

1 date, we discussed that. It will very likely be in
2 early November and I will send notice on that. So
3 that's all for the hearing today. Thank you.

4 (Whereupon the hearing in this
5 matter was continued until a
6 later date.)

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